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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/936,250

10/09/2001

Ernst Eberlein

3222

2468

7590

03/10/2005

Dougherty & Clements  
Suite 400  
6230 Fairview Road  
Charlotte, NC 28210

EXAMINER

WARE, CICELY Q

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/936,250	<b>Applicant(s)</b> EBERLEIN ET AL.	
	<b>Examiner</b> Cicely Ware	<b>Art Unit</b> 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a **separate sheet within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because:

a. Pg. 25, line 25, applicant uses the phrase "components of the repeater system is driven". Examiner suggests using "components of the repeater system are driven" for clarification purposes.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

a. Pg. 1, line 13, examiner suggests applicant re-write this line for clarification purposes.

b. Pg. 1, line 16, applicant uses "programmes". Examiner suggests using "programs" for clarification purposes.

c. Pg. 1, line 17, examiner suggests applicant re-write this line for clarification purposes.

d. Pg. 1, line 24, applicant uses the phrase "problems as regards the". Examiner suggests using "problems as regards to the" for clarification purposes.

e. Pg. 2, line 38, Pg.3, line 1, applicant uses the phrase "on exactly that frequency they are required to do". Examiner suggests using "on exactly that frequency they are required to" for clarification purposes.

f. Pg. 5, lines 16-17, examiner suggests applicant re-write these lines for clarification purposes.

g. Pg. 7, line 17, applicant refers to "demodulator 12 and modulator 14".

- i. Pg.7, line 25, applicant references "demodulator 14".
- ii. Pg. 7, line 31, applicant references "modulator 12".
- iii. Pg. 7, line 29, applicant references "demodulator 20".

Examiner suggests applicant refer to consistent figure element numbers for all figure elements. Examiner suggests applicant correct all instances.

Appropriate correction is required.

6. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Objections***

7. Claims 1 and 16 are objected to because of the following informalities:

a. Claim 1, applicant refers to "demodulator 12 and modulator 14". Examiner suggests applicant make claim references to figure element numbers coincide with disclosure figure element numbers.

b. Claim 16, line 27, applicant uses "demodulating comprises". Examiner suggests using "modulating comprises" for clarification purposes.

Appropriate correction is required.

#### ***Allowable Subject Matter***

8. Claims 1-16 are allowed.

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9. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a repeater system for receiving a modulated input signal and for transmitting a modulated output signal. Prior art references (Biskman US Patent 5,864,579, Batlivala et al. US patent 4,608,699 (cited by applicant)) show similar methods but fail to teach: **“a clock oscillator for providing a repeater system clock, a first controllable oscillator, derived from the repeater system clock, and a second controllable oscillator derived from the repeater system clock”**, as in claims 1 and 16.

### ***Conclusion***

10. This application is in condition for allowance except for the following formal matters:

- a. Submittal of formal drawings
- b. Specification objections
- c. Claim objections

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047.

The examiner can normally be reached on Monday – Friday, 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Cicely Ware*

cqw  
February 18, 2005

  
**AMANDA T. LE**  
**PRIMARY EXAMINER**



+

+

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**Complete if Known****Filing Date**

First Named Inventor	EBERLEIN et al.
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### Group Art Unit

**Examiner Name**

Attorney Docket Number	3222
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U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

**Examiner  
Signature**

Date  
Considered

2/15/05

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**